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SUBJECT: GHANA ELECTIONS: AT LONG LAST, A WINNER

REF: A. ACCRA 1617
B. ACCRA 1624

Classified By: POLCHIEF GPERGL FOR REASONS 1.4 b&d

¶1. (C) SUMMARY. Ghana's marathon presidential elections, which had begun on December 7, finally drew to a close on January 3 when the director of the Electoral Commission (EC) pronounced the opposition National Democratic Congress (NDC) party's John Evans Atta-Mills President-elect of the Republic of Ghana. Later that day, Atta-Mills' opponent, Nana Akufo-Addo of the ruling New Patriotic Party (NPP), acknowledged the EC's decision and congratulated his opponent, but he stopped short of an actual concession. Although Akufo-Addo tried and failed to block the EC from proclaiming a winner, NPP party faithful and the 4,480,446 voters (49.77%) who voted for Akufo-Addo appear to have quietly accepted their party's narrow loss without threat of violence or reprisal. NDC supporters demonstrated their joy enthusiastically but appropriately on the streets of cities and towns across Ghana. The EC's declaration of results took place less than 24 hours after voting ended in the Tain constituency in western Brong-Ahafo, which for technical reasons had not voted in the December 28 runoff election. The U.S. Mission sent 10 employees, including Poloffs and Political Assistant (PA), to the Tain constituency to observe the election. The NPP, pursuing every conceivable course of action to stall, even after the EC's December 30 announcement of initial results (reftel) made it clear that the NDC would win, at the last moment decided to boycott Tain. This led to confusion among its supporters and even with President Kufuor, who had twice gone public with clear and conciliatory messages (as urged by A/S Frazer) counseling all parties to accept the results as declared by the EC. While the NPP may still file court challenges as allowed by law, the inauguration of President-elect Mills will take place on January 7, as constitutionally mandated. END SUMMARY

ON THE ROAD TO TAIN: NOTES ON THE FINAL LAP

¶2. (C) U.S. Mission observers departed Accra January 1 at 7 a.m. for the seven-hour journey to Tain. After hearing rumors that the Tain election might be called off, we called Deputy Electoral Commissioner Sarfo Kantanka at 9:00 to get a readout. He assured us that the EC planned to conduct the election as scheduled, and that he himself was coming to Tain. At 10 a.m., we received word that the NPP planned to file a writ in the Fast Track High Court to stop the Tain election and prevent the EC from announcing a winner on January 3, the day after the Tain elections. About an hour later, Radio Joy FM broadcast a bulletin that the NPP, represented by its chairman Peter MacManu and lead counsel Atta Akyea, were in the high court chambers of Justice Edward Asante presenting an ex parte motion to restrain the EC from declaring final results. NDC lawyers, appearing in chambers as friends of the court, objected to the ex parte motion, and citing Public Holiday Act 601, declared it unlawful for the court to be sitting on a legal holiday. Shortly after lunch,

an NDC contact who was in the courtroom reported to Poloffs that following heated exchanges between NPP and NDC lawyers, Justice Asante had refused the exparte writ (although he brushed off the NDC assertion that he could not legally work on a public holiday), and had told the plaintiffs that they had to serve the writs on EC Chairman Kwadwo Afari-Gyan and NDC candidate Mills if they wanted a hearing to take place on Monday, January 5.

¶3. (C) On the road between Kumasi and the Brong-Ahafo regional capital of Sunyani, our observer teams saw a motorcade approaching at high speed and realized that it was President Kufuor, returning to Accra. This was surprising, because media had reported that Akufo-Addo would be campaigning in Tain and that Kufuor would be addressing a large rally late that afternoon. When we arrived in Sunyani at 4 p.m., Poloff and PA proceeded directly to the regional Electoral Commission office, where ballot boxes for all 144 polling stations in Tain were being prepared under the watchful eyes of a large contingent of police and military, and set to load on trucks for distribution throughout the constituency. One of the EC's seven commissioners, Nana Eyiba, had come to oversee the process, and she expressed her concern to us that no NPP party agents were present (at least six NDC agents were verifying the process). She said they had waited as long as they could, but had to begin loading the trucks at 5 p.m. When we asked when she expected Deputy EC Chairman Kantanka to arrive, she took us aside and said that he would not be coming. Other than her, the entire EC board, including the Chairman, had gone "on a retreat" where they could not be reached. They had even left their cell phones behind, she said. (NOTE: Although she did not say it

ACCRA 00000006 002 OF 003

outright, it was clear that EC members had gone into hiding to avoid being served with the NPP writ. We tried Kantanka's cell phone, and it was turned off. END NOTE) Eyiba also made it clear that she was worried about being the only EC commissioner in Tain, and after reporting back to Ambassador, Poloff assured her that she could call us if she sensed any danger.

¶4. (C) On our way back to the hotel at dusk, we noticed activity at the tiny Sunyani airport and went to investigate. We were told that a chartered City-Link airplane was about to land. Expecting a contingent of election observers, we watched the plane land and were surprised when no passengers disembarked. A few minutes later, Alex Osei-Wusu, Akufo-Addo's clerk in his law office, arrived at the airport with three other NPP officials. He spoke with us for a few moments, and when we asked why the NPP was not present at the regional EC office to oversee disbursement of ballot boxes, he said that the NPP was probably not going to deploy party agents at the Tain polling stations, and then boarded the chartered aircraft. (NOTE: City Link is a commercial airline that plies (infrequently) between Accra and Kumasi, Tamale, and Sunyani. The four NPP party members boarded an airplane that can hold 30 passengers, and which had obviously been sent empty just to bring them back to Accra, needless to say at considerable expense. END NOTE)

¶5. (C) Back at the hotel at dinner, Political Assistant was approached by Dan Botwe (Protect), a former General Secretary of the NPP and a close confidante of Akufo-Addo. PA later brought Botwe to the table where Poloff and British High Commission Poloff Rosie Tapper were seated. Botwe confirmed that the NPP would not have polling agents at any polling station in Tain, and hinted that the elections would not be carried out and that legal action was still in the offing. When questioned by Poloff and Tapper about these tactics, and taken to task for his party's intransigence, Botwe hewed the party line, insisting that there should be no elections in Tain until the NPP's allegations of intimidation and brutalization of party agents in the Volta Region had been resolved. He added that beyond that, security conditions in Tain were too dangerous to allow the elections to be held.

Later, after Botwe had departed, PA told Poloff that Botwe, while unwilling to speak candidly in front of diplomats, had confided in him that the NPP was planning to boycott the Tain elections. He said that the NPP's executive committee had met earlier and were urging Akufo-Addo to throw in the towel, but Akufo-Addo and a few cohorts remained unyielding, convinced that the Volta irregularities might still produce an NPP victory. He said the party was in disarray, and that others, including President Kufuor, were pushing for acceptance of the EC's decision following the Tain vote. He also told PA that he was in attendance when Kufuor had met Akufo-Addo earlier that afternoon in Wenchi, just outside the Tain constituency. When advised that the NPP planned to boycott the Tain elections, Kufuor went ballistic, angered that he had traveled all the way to Tain to campaign only to find that Akufo-Addo had decided to opt out. Thus the explanation of the Kufuor motorcade speeding back to Accra as Mission observers approached Sunyani.

¶6. (C) On election day in Tain, mission observers visited at least 75% of polling stations. NPP agents were absent at all polling places, and a heavy security force presence assured a calm and peaceful day of voting. The previous day, NDC candidate Atta-Mills, his running mate John Mahama, and former president Jerry Rawlings were all out on the hustings.

By election day, they had all left Tain, but a heavy NDC presence remained on the ground. On our observer rounds, we bumped into former Rawlings finance minister Kwame Peprah, MPs Baba Jamal and Atto Kwashie, Doe Adjaho, the deputy minority leader in Parliament, and Kwabena Adjei, the NDC chairman. All were in high spirits, certain of the election's outcome, but still wary of potential NPP court actions. Adjei, who told us that the NPP had nothing to fear from a Mills administration, which would be conciliatory and would pursue no vengeful actions, then went on to heatedly describe a litany of NPP transgressions, leaving one to wonder.

¶7. (U) Not surprisingly, at the end of the day, the NDC received 19,566 votes in Tain, and the NPP just 2,035. The next morning, right on schedule at 11 a.m., EC director Afari-Gyan proclaimed the Tain results, confirmed previously announced results from the other 229 constituencies, and said that in regard to complaints by both parties concerning voting in each others strongholds, the EC had not found evidence sufficient to invalidate results. He then pronounced John Evans Atta-Mills President-elect of the Republic of Ghana.

ACCRA 00000006 003 OF 003

¶8. (C) Five hours after the EC's announcement, Akufo-Addo told a quickly assembled press conference that "I acknowledge the Electoral Commission's declaration and congratulate Prof. Mills." He went on to say, not exactly accurately, that half of the voting population in the country voted for him and his program, while another half voted for Prof. Mills and his program. He continued his campaign aimed at casting doubt over results from the Volta Region, flying in the face of reports by the EC and international and domestic observers that the vote there, as elsewhere, was free, fair, and credible. He accused the EC of giving "the unfortunate impression that it does not matter how votes are obtained as long as they are duly recorded. The use of violence for electoral advantage is unacceptable... Our democracy will not be complete until the day when Ghanaians regardless of their party affiliation or region of origin can participate fully in our election as voters or polling agents everywhere."

¶9. (C) COMMENT: Akufo-Addo's non-concession came well after most of his party and the Ghanaian public at large had grown weary of waiting and offended by the stalling. Several media commentators characterized it as too little, too late. As it has played out, Akufo-Addo has done his reputation no favor by his delaying tactics, court filings, non-participation in

Tain, and finally his passive-aggressive congratulations to Atta-Mills. In contrast, the President-elect has been pitch-perfect in his statements, pledging to be President for the whole of Ghana, promising a presidency devoid of discrimination, and dismissing fears of a witch-hunt by some political opponents. The embassy has learned, however, that Akufo-Addo's behavior has rankled, and Atta-Mills told supporters that he would refuse to meet his opponent absent a true concession speech. President Kufuor's actions have also been praiseworthy throughout the final stages of the election, as he urged respect for the EC's decision and congratulated Atta-Mills on his victory. His statements, at the urging of AF A/S Frazer, helped at a critical moment. At the same time, his congratulations were pointed. "You must appreciate the arduous and exacting demands on your competitors, all of whom were no doubt motivated by the desire to serve their nation and are therefore honorable men.

The 4th Republic has moved apace with respect for human rights, democratic governance and the rule of law. My prayer is that you would be guided by these lofty principles."

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